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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	1:02-CV-06130 REC SMS
)	
Plaintiff,)	FINDINGS OF FACT AND CONCLUSIONS
)	OF LAW AND
v.)	JUDGMENT THEREON
)	
)	
\$14,779.00 IN U.S. CURRENCY,)	
)	
Defendant.)	

This matter came on for hearing on June 27, 2005, on plaintiff United States' motion for default judgment. Assistant U.S. Attorney Kristi C. Kapetan appeared for plaintiff United States. There was no appearance by or on behalf of any other person or entity claiming an interest in the defendant currency to oppose plaintiff's motion. Based on plaintiff's motion and the files and records of the court, THE COURT FINDS as follows:

1. This action arose out of a verified Complaint for Forfeiture in Rem filed September 16, 2002.
2. Plaintiff United States of America has moved this Court, pursuant to Local Rule A-540, for entry of default judgment of forfeiture against the following potential claimants:
 - a. Miguel Viverous
 - b. Pedro Sandoval
3. Plaintiff has shown grounds for entry of a final judgment of forfeiture and that there was

1 reasonable cause for seizure of the defendant currency, that a complaint for forfeiture was filed, that
2 potential claimants Miguel Viverous and Pedro Sandoval were served with notice, and that any and
3 all other unknown potential claimants have been served by publication.

4 4. Potential claimant Miguel Viverous failed to file a claim to the defendant currency and
5 answer to the complaint pursuant to Rule C(6) of the Supplemental Rules for Certain Admiralty and
6 Maritime Claims.

7 5. On September 17, 2004, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, a
8 Clerk's Entry of Default was filed against Miguel Viverous.

9 6. On March 21, 2005, a Disclaimer of Interest was filed in this action wherein Pedro
10 Sandoval relinquished and abandoned all interest in the defendant currency.

11 Therefore, THE COURT CONCLUDES AND ORDERS as follows:

12 7. That plaintiff's motion for default judgment of forfeiture be granted;

13 8. That Miguel Viverous and Pedro Sandoval be held in default;

14 9. That a judgment by default be entered against any right, title or interest in the defendant
15 currency of Miguel Viverous and Pedro Sandoval;

16 10. That a final judgment be entered, forfeiting all right, title and interest in the defendant
17 currency to the United States of America, to be disposed of according to law, including all right, title
18 and interest of Miguel Viverous and Pedro Sandoval;

19 11. That title to defendant property should vest solely in the name of the United States of
20 America; and

21 12. That the Final Judgment of Forfeiture lodged herein, be signed by the Honorable Robert
22 E. Coyle and filed by the Clerk of the Court.

23 13. That the Court enter a Certificate of Reasonable Cause, pursuant to 28 U.S.C. § 2465, that
24 there was reasonable cause for the arrest of the defendant currency.

25
26 DATED: 6/30/05

/S/ROBERT E. COYLE
ROBERT E. COYLE
United States District Judge